

AMENDED IN SENATE JUNE 1, 2010

**SENATE BILL**

**No. 1177**

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**Introduced by Senator Kehoe**

February 18, 2010

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An act to add Section 4158 to the Food and Agricultural Code, relating to agriculture.

LEGISLATIVE COUNSEL'S DIGEST

SB 1177, as amended, Kehoe. Agriculture: 22nd District Agricultural Association: greenway zone.

Existing law provides that the state is divided into agricultural districts in which 50 or more persons, who are residents of a district, may form a district agricultural association for the purpose of holding fairs for exhibiting all of the industries and industrial enterprises, resources, and products of the state and constructing, maintaining, and operating recreational and cultural facilities.

This bill would require the 22nd District Agricultural Association (district) to develop, manage, and maintain a minimum 100-foot wide greenway zone at a specified location, *a specified section of which would be required to be completed by January 1, 2012, as specified*, for the purpose of protecting, enhancing, and restoring the overall environmental quality of the San Dieguito River and adjacent wetlands. The district also would be required to develop, ~~manage, and maintain~~ a public access trail, ~~as specified, in or along the greenway zone in the greenway zone, as specified~~. The district would be required to submit its plan for implementation of the greenway zone ~~and public access trail to the Department of Fish and Game and the Department of Parks and Recreation, for review and recommendations, by July 1, 2011. The district would be required to apply the Department of Fish and Game's~~

and the Department of Parks and Recreation's recommendations into the plan and apply for all necessary permits by January 1, 2012, and complete construction of the greenway zone by January 1, 2014. to the California Coastal Commission at any time prior to, but no later than, the date the district applies for a coastal development permit for the replacement of an existing exhibit hall. Construction of certain sections of the greenway zone would be required to be completed prior to a certificate of occupancy being issued for a new exhibit hall, except that the maintenance period may still be incomplete.

The bill would require the San Dieguito River Park Joint Powers Authority to maintain and manage the section of the Coast to Crest Trail located in the greenway zone. Because this bill would impose a higher level of service from a local governmental entity, the bill would create a state-mandated local program.

The bill would require the greenway zone to be permanently dedicated to the use and enjoyment of the public, so that if the district ceases to exist or sells the property, the greenway zone and public access trail remain as a condition of the sale to a local municipal government, or by transferring title of the greenway zone to the San Dieguito River Park Joint Powers Authority or to the Department of Fish and Game.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: ~~no~~ yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 4158 is added to the Food and
- 2 Agricultural Code, to read:
- 3 4158. (a) The 22nd District Agricultural Association shall
- 4 develop, manage, and maintain a minimum 100-foot wide greenway
- 5 zone along the north bank of the San Dieguito River from Interstate
- 6 5 to Jimmy Durante Boulevard and the Jimmy Durante Boulevard
- 7 Bridge, to include the existing San Dieguito River Park Joint

1 Powers Authority (JPA) educational boardwalk and the Coast to  
2 Crest Trail. This section of the greenway zone is to be completed  
3 by January 1, 2012, subject to the issuance of a coastal  
4 development permit by the California Coastal Commission, if  
5 required.

6 (1) The greenway zone shall be designed in consultation with  
7 the JPA, the Department of Fish and Game, and the Department  
8 of Parks and Recreation. Existing agreements for construction,  
9 management, and maintenance of the Coast to Crest Trail shall  
10 remain in force, subject to mutually agreed upon modifications by  
11 the district and the JPA.

12 (2) Development of the greenway zone shall be implemented as  
13 required by state agencies, including the California Coastal  
14 Commission through coastal development permits issued in  
15 conjunction with the implementation of the near-term and  
16 long-term projects in the 2008 Master Plan and Final  
17 Environmental Impact Report adopted and certified by the district.

18 (3) Maintenance and management of this section of the Coast  
19 to Crest Trail shall continue to be the responsibility of the JPA.

20 (b) The district shall develop a minimum 100-foot wide  
21 greenway zone along the north bank of the San Dieguito River  
22 from Jimmy Durante Boulevard and the Jimmy Durante Boulevard  
23 Bridge west to the San Diego Northern Railway right-of-way prior  
24 to or contemporaneous with the construction of a replacement  
25 exhibit hall as detailed in the district's adopted master plan, subject  
26 to the issuance of a coastal development permit by the California  
27 Coastal Commission. This greenway zone shall accommodate an  
28 extension of the Coast to Crest Trail.

29 (1) The greenway zone and trail shall be designed in  
30 consultation with the JPA, the Department of Fish and Game, and  
31 the Department of Parks and Recreation.

32 (2) Maintenance and management of this section of the Coast  
33 to Crest Trail shall be the responsibility of the JPA.

34 (c) In the interim, prior to the implementation of any near-term  
35 or long-term projects within the 2008 Master Plan, the district  
36 shall remove equipment, potting soil, fill dirt, construction  
37 materials, and other materials stored between the northern edge  
38 of the San Dieguito River to the existing southern access road  
39 except for the existing recycling center which is proposed to be  
40 relocated as a near-term project in the 2008 Master Plan. The

1 *district shall not interfere with the extension of the Coast to Crest*  
2 *Trail on the west side of Jimmy Durante Boulevard and the Jimmy*  
3 *Durante Boulevard Bridge to the San Diego Northern Railroad*  
4 *right-of-way and shall issue an easement to the JPA for the design,*  
5 *construction, maintenance, and monitoring of an extension of the*  
6 *Coast to Crest Trail. The district shall work with the JPA and San*  
7 *Dieguito River Conservancy to facilitate the cleanup and*  
8 *restoration of the area between the river and the southern access*  
9 *road until such time as a regulatory agency, including the*  
10 *California Coastal Commission, requires the development of the*  
11 *buffer area.*

12 *(d) (1) Each section of the greenway zone is to be developed*  
13 *for the purpose of protecting, enhancing, and restoring the overall*  
14 *environmental quality of the San Dieguito River and adjacent*  
15 *wetlands. The greenway zone shall be planted and maintained*  
16 *with native vegetation. The extension of the Coast to Crest Trail*  
17 *through the Del Mar Fairgrounds is not limited to the design,*  
18 *width, or building materials in use in other sections of the Coast*  
19 *to Crest Trail.*

20 *(2) The greenway zone does not include Jimmy Durante*  
21 *Boulevard or the Jimmy Durante Boulevard Bridge. Establishment*  
22 *of the greenway zone does not preclude an appropriate public*  
23 *entity from modifying the course of the roadway or the structure*  
24 *of the bridge.*

25 *(e) The district shall develop a public access trail as an*  
26 *extension of the Coast to Crest Trail in the greenway zone between*  
27 *Jimmy Durante Boulevard and the San Diego Northern Railroad*  
28 *right-of-way in a manner that is consistent with the trails of the*  
29 *San Dieguito River Park. The recreational trail shall be situated*  
30 *and constructed so as to provide safe and convenient means for*  
31 *persons, including bicyclists and hikers, to travel in the greenway*  
32 *zone, understanding that approximately 3,000,000 people a year*  
33 *routinely visit lands managed by the district. The recreational trail*  
34 *shall be designed in consultation with the JPA, the Department of*  
35 *Fish and Game, and the Department of Parks and Recreation. The*  
36 *district shall be responsible for acquiring all necessary permits*  
37 *for construction of the trail, including any permits from regulatory*  
38 *agencies, including the California Coastal Commission.*

39 *(f) (1) The district shall submit its plan for implementation of*  
40 *subdivisions (a) and (b) to the California Coastal Commission at*

1 any time prior to, but no later than, the date the district applies  
2 for a coastal development permit for the replacement of an existing  
3 exhibit hall.

4 (2) Construction of the greenway zone between the Jimmy  
5 Durante Boulevard Bridge and the San Diego Northern Railroad  
6 right-of-way shall be completed prior to a certificate of occupancy  
7 being issued for a new exhibit hall, except that the maintenance  
8 period may still be incomplete.

9 (g) At no time shall the area of the greenway zone be used for  
10 development or parking.

11 (h) The greenway zone shall be permanently dedicated to the  
12 use and enjoyment of the public, so that if the 22nd District  
13 Agricultural Association ceases to exist or sells the property, the  
14 greenway zone and public access trail shall remain as a condition  
15 of the sale to a local municipal government, or by transferring  
16 title of the greenway zone to the JPA or to the Department of Fish  
17 and Game.

18 (i) Until the time that a regulatory agency, including the  
19 California Coastal Commission, directs otherwise, the use of truck  
20 trailers located adjacent to Interstate 5 or elsewhere in the San  
21 Dieguito River Valley viewshed as storage units shall be limited  
22 to the annual fair season when the San Diego County Fair is open  
23 to the public, and during the annual period when live horse racing  
24 is open to the public. No signage shall be allowed on the trailers  
25 at any time.

26 SEC. 2. If the Commission on State Mandates determines that  
27 this act contains costs mandated by the state, reimbursement to  
28 local agencies and school districts for those costs shall be made  
29 pursuant to Part 7 (commencing with Section 17500) of Division  
30 4 of Title 2 of the Government Code.

31 ~~SECTION 1. Section 4158 is added to the Food and~~  
32 ~~Agricultural Code, to read:~~

33 ~~4158. (a) The 22nd District Agricultural Association shall~~  
34 ~~develop, manage, and maintain a minimum 100-foot wide~~  
35 ~~greenway zone along the north bank of the San Dieguito River~~  
36 ~~from Interstate 5 to the Burlington Northern Santa Fe Railroad~~  
37 ~~right-of-way for the purpose of protecting, enhancing, and restoring~~  
38 ~~the overall environmental quality of the San Dieguito River and~~  
39 ~~adjacent wetlands. The greenway zone shall be planted and~~  
40 ~~maintained with native vegetation consistent with its purpose.~~

1     ~~(b) The district shall develop, manage, and maintain a public~~  
2     ~~access trail in the greenway zone in a manner that is consistent~~  
3     ~~with the purpose of subdivision (a). The recreational trail shall be~~  
4     ~~situated and constructed so as to provide safe and convenient means~~  
5     ~~for persons, including bicyclists and hikers, to travel in the~~  
6     ~~greenway. The recreational trail shall be designed in consultation~~  
7     ~~with the Department of Fish and Game and the Department of~~  
8     ~~Parks and Recreation.~~

9     ~~(c) The district shall submit its plan for implementation of~~  
10    ~~subdivisions (a) and (b) to the Department of Fish and Game and~~  
11    ~~the Department of Parks and Recreation, prior to July 1, 2011. The~~  
12    ~~Department of Fish and Game and the Department of Parks and~~  
13    ~~Recreation shall review the plan and submit recommendations, if~~  
14    ~~any, to the district prior to January 1, 2012. The district shall apply~~  
15    ~~the Department of Fish and Game's and Department of Parks and~~  
16    ~~Recreation's recommendations into the plan and apply for all~~  
17    ~~necessary permits by January 1, 2012. The district shall complete~~  
18    ~~the construction of the greenway zone by January 1, 2014.~~

19    ~~(d) At no time shall the area of the greenway zone be used for~~  
20    ~~development or parking.~~

21    ~~(e) The greenway zone shall be permanently dedicated to the~~  
22    ~~use and enjoyment of the public, so that if the 22nd District~~  
23    ~~Agricultural Association ceases to exist or sells the property, the~~  
24    ~~greenway and public access trail shall remain.~~